

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO

NO. 17-BK-3283 (LTS)

As representative of

PROMESA TITLE III

THE COMMONWEALTH OF PUERTO RICO,
et al.,
Debtors.

Re: ECF 2897

**STATEMENT OF THE ISSUES TO BE PRESENTED ON APPEAL AND
DESIGNATION OF THE RECORD TO BE CERTIFIED AND MADE AVAILABLE TO
THE FIRST CIRCUIT CLERK**

TO THE HONORABLE COURT:

Comes now the certified class of Plaintiffs (“Movants”) represented by the undersigned Counsel and pursuant Rule 6(B) of Appellate Procedure, submit the following:

1. Statement of issues to be presented on Appeal:
 - i. Whether the District Court erred in denying in part Plaintiffs’ motion for relief of stay, when all the funds subject to the stay were not the property of debtor’s estate, but belonged to Plaintiffs’ class and the Commonwealth had only taken the funds in custody to return them to the owners, but retained and escheated them without giving the owners adequate constitutional notice, of their right to claim the funds making void the escheat of the funds.
 - ii. Whether the District Court erred in denying Plaintiffs’ motion for lift of stay as to reimbursements from 2006 to 2010, when said funds were not the property of debtor’s estate, but belonged to Plaintiffs’ class and the Commonwealth had only taken said refunds in custody as a trustee to return them to the owners and said

funds had not escheated, but the Commonwealth retained them and kept them in a separate account without giving the owners adequate constitutional notice of their right to claim the funds.

2. Designations of portion of the record to be certified and made available to the Circuit Clerk:

- i. Motion Requesting Relief of Stay Under 362 (D)(1) of the Bankruptcy Code (Docket No. 2434, main document).
- ii. Memorandum by Plaintiffs' Class in Support of Request for Relief from the Automatic Stay Pursuant to PROMESA's Sections 4, 7, 301(C)(3) and Bankruptcy Codes Sections 362 (D)(1) (Docket No. 2434, Attachment 1).
- iii. Stipulation for Permanent Injunction in case Civil No. 02-1179(GAG) (Docket No. 2434, Attachment 1).
- iv. Motion in Compliance with Order Submitting Documents Translated to the English Language (Docket No. 2517).
- v. Order Scheduling Briefing of Motion Requesting Relief of Stay Under 362 (D)(1) of the Bankruptcy Code (Docket No. 2439)
- vi. Objection of the Commonwealth to Motion Requesting Relief of Stay Under 362 (D)(1) of the Bankruptcy Code Filed by Gladys García Rubiera, et al. (Docket No. 2570).
- vii. Reply to "Objection of the Commonwealth to Motion Requesting Relief of Stay Under 362 (D)(1) of the Bankruptcy Code Filed by Gladys García Rubiera, et al." (Docket No. 2592).
- viii. Order Directing Supplemental Briefing of Motion Requesting Relief of Stay Under 362 (D)(1) of the Bankruptcy Code (Docket No. 2697).

- ix. Motion in Compliance with Order of March 9th, 2018 and Request for an Extension of Time (Docket No. 2706).
- x. Supplementary Memorandum in Compliance with Order of March 9th and March 13th, 2018 (Docket No. 2777).
- xi. Commonwealth of Puerto Rico's Reply to Movant's Supplementary Memorandum in Compliance with Order of March 9th and March 13th (Docket No. 2820).
- xii. Supplemental Brief and Declaration in Compliance with Order of March 9th, 2018 (Docket No. 2795)
- xiii. Reply Brief to the "Supplemental Brief and Declaration" of the Commonwealth of Puerto Rico (Commonwealth) in Compliance with Order of March 9th, 2018 (Docket No. 2818)
- xiv. Memorandum and Order Granting in Part and Denying in Part Motion Requesting Relief from Stay Under Section 362 (D)(1) of the Bankruptcy Code (Docket Entry No. 2434) (Docket No. 2858).
- xv. Notice of Appeal (Docket No. 2897)
- xvi. USDC Transmittal of Record to the Court of Appeals (Docket No. 2908).

RESPECTFULLY SUBMITTED

CERTIFICATE OF SERVICE

I hereby certify that, on April 25, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record and parties in the Master Service List.

In San Juan, Puerto Rico, April 25, 2018.

s/ Antonio J. Amadeo Murga
USDC-PR No. 110103
A.J. AMADEO MURGA LAW OFFICES
1225 Ponce de León, Ave.
Ste. 904
San Juan, PR 00907
Tel. (787)764-0893
ajaamadeo@gmail.com

s/ Mario M. Oronoz Rodríguez
USDC-PR No. 120606
ORONoz & ORONoz
Urb. Torrimar, K-4 Bambú St.
Guaynabo, PR 00966-3109
Tel. (787)294-5255
mmo@oronozlaw.com